

WIn Laboratories Ltd. and anr. Vs. Union of India (Uoi) and ors.

WIn Laboratories Ltd. and anr. Vs. Union of India (Uoi) and ors.

SooperKanoon Citation : sooperkanoon.com/364441

Court : Mumbai

Decided On : Sep-01-1992

Reported in : 1993(47)LC178(Bombay)

Judge : S.P. Kurdukar and ;A.V. Savant, JJ.

Appeal No. : Writ Petition No. 1801 of 1992

Appellant : WIn Laboratories Ltd. and anr.

Respondent : Union of India (Uoi) and ors.

Judgement :

ORDER

1. Rule returnable forthwith. Mr. Presswala waives service for the respondents. By consent petition placed on board and called out for hearing.
2. Since the controversy raised in this petition is covered by the decision of this Court in Solar Pesticides Pvt. Ltd. v. Union of India : 1992(57)ELT201(Bom) no affidavit-in-reply is necessary.
3. In view of the law settled by this Court as also followed by the Madras High Court in the reported decision in Indo-Swiss Synthetic Gem Mfg. Co. Ltd. v. Collector of Customs : 1992(59)ELT345(Mad) rule in this petition is made absolute in terms of prayers (a) and (b) excluding the bracketed portion in red pencil.

4. The respondents to refund Rs. 3,85,1381- to the petitioners on or before 21st September 1992. In case respondents fail to refund the said amount, they shall pay interest thereon at the rate of 18% per annum until the amount is paid. The 2nd petitioner through their Counsel undertakes to this Court to furnish a bond in favour of the 2nd Respondent securing amount of refund. This bond is directed to be executed on the footing that the issue involved in this petition is pending before the Supreme Court. Bond to remain in force until disposal of the pending proceeding before the Supreme Court. Liberty to the petitioners to apply to the Assistant Collector. The refund of the aforesaid amount and execution of the bond to be carried out simultaneously. Undertaking accepted.

5. Certified copy of the order if applied for, to be furnished within one week.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com